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105TH CONGRESS
2D SESSION

H. R. 4533

To amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1988

Mr. STARK introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Medicare Long-Term
5 Care Hospital Payment Correction Act of 1998".

6 **SEC. 2. ADJUSTMENT IN PAYMENT AMOUNT TO LONG-TERM**

7 **CARE HOSPITALS.**

8 (a) IN GENERAL.—Section 1886(b) of the Social Se-
9 curity Act (42 U.S.C. 1395ww(b)) is amended—

1 (1) in paragraph (1)(A), by inserting “subject
2 to paragraph (8)” before “are less than or equal to
3 the target amount”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(8)(A) Notwithstanding paragraph (1), in the case
7 of a hospital described in subsection (d)(1)(B)(iv), the
8 Secretary shall compare—

9 “(i) the average inpatient length of stay of such
10 hospital during the cost reporting period described
11 in clause (i) or (ii) of paragraph (3)(A), and

12 “(ii) the average inpatient length of stay of
13 such hospital during the two cost reporting period
14 beginning for which the Secretary has the most re-
15 cent settled cost report for the hospital.

16 “(B) If the Secretary determines that the average in-
17 patient length of stay described in subparagraph (A)(ii)
18 is 5 percent less than the average inpatient length of stay
19 described in subparagraph (A)(i), the target amount for
20 such hospital for the cost reporting period beginning dur-
21 ing the current fiscal year shall be equal to the product
22 of—

23 “(i) the target amount for the cost reporting
24 period described in subparagraph (A)(i), and

1 “(ii) the fraction (expressed as a percentage),
2 the numerator of which is the target amount for the
3 cost reporting period described in subparagraph
4 (A)(ii), and the denominator of which is the target
5 amount for the cost reporting period described in
6 subparagraph (A)(i).”.

7 (b) CONSIDERATION OF LENGTH OF STAY IN LONG-
8 TERM CARE PROSPECTIVE PAYMENT SYSTEM PROPOSAL
9 UNDER BALANCED BUDGET ACT OF 1997.—Section
10 4422(a)(2) of the Balanced Budget Act of 1997 (Public
11 Law 105–33) is amended—

12 (1) in subparagraph (A), by striking “and” at
13 the end;

14 (2) in subparagraph (B), by striking the period
15 and inserting “; and”; and

16 (3) by adding at the end the following new sub-
17 paragraph:

18 “(C) shall consider adjustments in amount
19 of payments to long-term care hospitals whose
20 average inpatient length of stay during the base
21 year greatly exceeds the hospitals’ average inpa-
22 tient length of stay in later years.”.



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1 (c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to cost reporting
3 periods beginning on or after October 1, 1998.

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